

TMH:dv 4810-58741

10/01/03

**KLARQUIST SPARKMAN, LLP**

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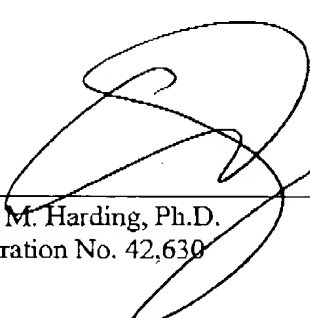
**PLEASE DELIVER DIRECTLY TO EXAMINER STUART BAUM****Fax No.:** 703-746-7435**Total No. Pages:** 37 including this cover sheet

**Message:** Transmitted herewith for filing in the above-identified application is a Communication dated October 1, 2003, and copies of (1) an Amendment and Response After Final Action, including Exhibits A-E, and (2) a Notice of Appeal, both originally mailed to the Patent Office on August 11, 2003, and (3) a copy of a postcard, date stamped by the Patent Office acknowledging receipt of these items on August 14, 2003.

If you do not receive all pages or if you have problems receiving transmittal, please call Tanya M. Harding, Ph.D. at (503) 226-7391.

**In re application of:** Kunst and Clemens**Application No.** 09/806,708**Filed:** April 3, 2001**Confirmation No.** 5955**For:** REGULATION OF EMBRYONIC  
TRANSCRIPTION IN PLANTS**Examiner:** Stuart Baum**Art Unit:** 1638**Attorney Reference No.** 4810-58741**CERTIFICATE OF FACSIMILE**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being facsimile transmitted to fax number 703-746-7435 on the date shown below.

Attorney  
for Applicant(s)Date Transmitted October 1, 2003  
\_\_\_\_\_  
Tanya M. Harding, Ph.D.  
Registration No. 42,630October 1, 2003  
Date

cc: Docketing

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS CONFIDENTIAL AND ONLY FOR THE INTENDED RECIPIENT IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR USE OF THIS COMMUNICATION IS UNLAWFUL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT), RETURN THE ORIGINAL MESSAGE TO US, AND RETAIN NO COPY.

TMH:dv 10/01/03  
PATENTAttorney Reference Number 4810-58741  
Application Number 09/806,708

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Application No. 09/806,708

Filed: April 3, 2001

Confirmation No. 5955

For: REGULATION OF EMBRYONIC  
TRANSCRIPTION IN PLANTS

Examiner: Stuart Baum

Art Unit: 1638

Attorney Reference No. 4810-58741

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

## CERTIFICATE OF FACSIMILE

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being facsimile transmitted to fax number 703-746-7435 on the date shown below.

Attorney  
for Applicant(s)

Date Transmitted October 1, 2003

## COMMUNICATION

In accordance with a telephone conference with Examiner Stuart Baum on October 1, 2003, attached are copies of the following documents, which were mailed by Applicants, with a Certificate of Mailing, to the U.S. Patent and Trademark Office in the above-reference application on August 11, 2003:

1. Transmittal Letter
2. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences.
3. Amendment and Response After Final Action, with attached Exhibits A-E):

Exhibit	Paper(s) Originally Filed	Date Originally Mailed to PTO	# of Pages in Exhibit
A	IDS with 13 references	May 3, 2001	5
B	IDS with 3 references	May 31, 2001	4
C	IDS with 6 references	July 3, 2001	4
D	IDS with 16 references	August 3, 2001	5
E	Supplemental Response with replacement Sequence Listing	Dec. 6, 2002	5

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PATENT

Attorney Reference Number 4810-58741  
Application Number 09/806,708

Also attached is a copy of the return postcard from the August 11, 2003, mailing, showing receipt by the U.S. Patent and Trademark Office of the aforementioned documents on August 14, 2003 (based on the date stamp).

Applicants request that the attached documents be entered into this file as having been filed on August 14, 2003, as indicated by the attached copy of the return postcard.

It is Applicants belief, based on the August filing, that this application is in good standing for consideration of the After Final Amendments, and that the Notice of Appeal was properly and timely filed. If the Examiner requires further proof, or if other documents are necessary to ensure that this application is in good standing and examination can proceed, please call the undersigned immediately.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Tanya M. Harding, Ph.D.  
Registration No. 42,630

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
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PATENT  
Attorney Reference Number 4810-58741

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Response Under 37 C.F.R. § 1.116 Expedited Procedure

In re application of: Kunst and Clemens

Art Unit: 1638

Application No. 09/806,708

Confirmation No.: 5955

Filed: April 3, 2001

For: REGULATION OF EMBRYONIC  
TRANSCRIPTION IN PLANTS

Examiner: Stuart Baum

Date: August 11, 2003

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on August 11, 2003 as First Class Mail in an envelope addressed to: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Tanya M. Harding, Ph.D.  
Attorney for Applicants

MAIL STOP AF  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

TRANSMITTAL LETTER

Enclosed is an Amendment and Response After Final Action, Exhibits A-E, and a Notice of Appeal for the above application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Total Claims	11	- 27*	= 0	\$18.00	\$ 0.00
Indep. Claims	2	6**	= 0	\$84.00	\$ 0.00
Three-month Extension of Time				\$930.00	\$930.00
Notice of Appeal fee (37 C.F.R. § 1.17 (b))				\$320.00	\$320.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$1,250.00

\* greater of twenty or number for which fee has been paid.  
\*\* greater of three or number for which fee has been paid.

- ☒ Applicants petition for an extension of time for the number of months indicated above. If an additional extension of time is required please consider this a petition therefor.
- ☒ A check in the amount of \$1,250.00 is attached.

COPY

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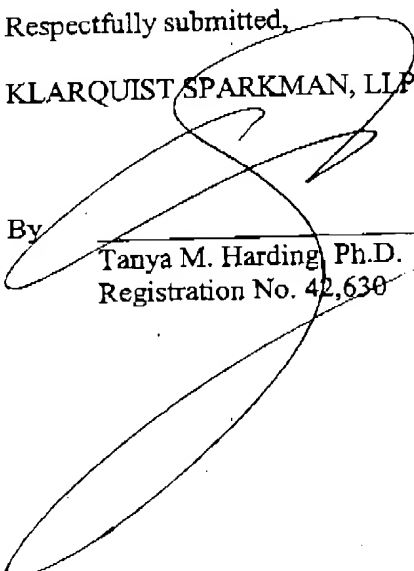
PATENT  
Attorney Reference Number 4810-58741

- ☒ Please charge any additional fees that may be required in connection with filing the attached Amendment and Notice of Appeal, and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

  
Tanya M. Harding, Ph.D.  
Registration No. 42,630

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